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Attorneys for Defendant  
ARIZONA BEVERAGES USA LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDRE MILLER, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

ARIZONA BEVERAGES USA LLC,

Defendant.

CASE NO. 3:23-cv-03540-RFL

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING DEADLINE FOR  
THE DEFENDANT TO FILE RESPONSE  
TO PLAINTIFF'S MOTION TO  
AMENDED COMPLAINT AND  
RESCHEDULING HEARING DATE**

Assigned to: Honorable Rita F. Lin, U.S.D.J.

Pursuant to Civil Local Rule 6-2, Plaintiff, Andre Miller, (“Plaintiff”), and Defendant, Arizona Beverages USA LLC (“Defendant”), by and through their respective counsel, stipulate and agree as follows:

**RECITALS**

1. Plaintiff filed the Class Action Complaint on July 17, 2023. (ECF No. 1).
2. Defendant filed a Motion to Dismiss the Class Action Complaint (“Motion to Dismiss”) on November 14, 2023. (ECF No. 35).
3. The hearing date on Defendant’s Motion to Dismiss is February 27, 2024. (ECF No. 41).
4. On December 7, 2023, Plaintiff filed a Notice of Motion and Motion to Amend Complaint (“Motion to Amend”) with a January 16, 2024 hearing date. (ECF No. 42).
5. The current deadline for Defendant to file a response to the Motion to Amend is December 21, 2023 and Plaintiff’s deadline to file a reply is December 28, 2023. (ECF No. 42).
6. The Parties stipulate, agree and request that this Honorable Court: (a) extend Defendant’s deadline to file a response to Plaintiff’s Motion to Amend until January 11, 2024; (b) extend Plaintiff’s deadline to file any reply until January 18, 2024; and (c) reschedule the hearing on Plaintiff’s Motion to Amend to February 27, 2024.
7. The within request is the first instance that the Parties have requested to extend the deadline for the due date for opposition regarding the Motion to Amend.
8. The within request is the first instance that the Parties have requested to reschedule the hearing date on the Motion to Amend.
9. The stipulated schedule promotes justice and judicial economy, conserves the resources of the Court and Parties, serves their convenience, will not prejudice any party and, other than the request to reschedule the hearing, does not conflict with any other scheduled dates set by the Court.

**NOW, THEREFORE**, pursuant to Civil Local 6-2, Plaintiff and Defendant jointly agree and stipulate as follows:

**STIPULATION**

10. The deadline for Defendant to file a response to the Motion to Amend is hereby extended from December 21, 2023 to January 11, 2024.

11. The deadline for Plaintiff to file any reply to Defendant's response to the Motion to Amend is hereby extended from December 28, 2023 to January 18, 2024.

12. The hearing date on Plaintiff's Motion to Amend is hereby rescheduled from January 16, 2024 to February 27, 2024 at 10:00 a.m. before the Honorable Rita f. Lin, United States District Court Judge, at the Courthouse, 450 Golden Gate Ave., Courtroom 15, 18<sup>th</sup> Floor, San Francisco, CA 94102.

IT IS SO STIPULATED.

DATED: December 14, 2023

LAW OFFICE OF KYLE GURWELL

By: /s/ Kyle Gurwell  
Kyle Gurwell, Esq.  
*Attorneys for Plaintiff*

DATED: December 14, 2023

STEVENS & LEE

By: /s/ Matthew C. Brunelli  
Matthew C. Brunelli, Esq.

*Attorneys for Defendant, Arizona  
Beverages USA LLC*

1 **PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

2 DATED: December 14, 2023

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**SIGNATURE ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that all signatories have concurred in its filing.

DATED: December 14, 2023

STEVENS & LEE

By: /s/ Matthew C. Brunelli  
Matthew C. Brunelli, Esq.

*Attorneys for Defendant*